

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC WAYNE SMITH,

Petitioner,

21cv0276

ELECTRONICALLY FILED

v.

ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA, ET AL,

Respondents.

**Order Adopting Report and Recommendation and Dismissing Case**

AND NOW, this 11th day of January, 2022, after a Complaint was filed in the above-captioned case, and after a Report and Recommendation (Doc. 24) was filed on December 14, 2021, by United States Magistrate Judge Kelly, recommending that Plaintiff's action be dismissed as untimely, and after permitting Plaintiff until January 3, 2022 to file written objections and responses to the Report and Recommendation, and after no written objections or responses were filed by Plaintiff, upon independent review of the Record, and upon consideration of Magistrate Judge Kelly's thorough December 14, 2021 Report and Recommendation,

IT IS HEREBY ORDERED that the Magistrate Judge's December 14, 2021 Report and Recommendation (Doc. 24) is adopted as the Opinion of this Court.

IT IS FURTHER HEREBY ORDERED that, for the reasons set forth in the December 14, 2021 Report and Recommendation (Doc. 24), this action shall be DISMISSED WITH PREJUDICE and a certificate of appealability is DENIED.

IT IS FURTHER HEREBY ORDERED that the Clerk of Court shall mark this case  
CLOSED.

s/ Arthur J. Schwab  
ARTHUR J. SCHWAB  
United States District Judge

cc: All ecf-registered counsel of record

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